

**REMARKS**

Claims 1 and 27-39 are pending in the subject application. Hereinabove, claims 27-39 have been canceled. Therefore, only claim 1 is now under consideration. In view of the above amendments and the following remarks, applicants respectfully request reconsideration of rejections set forth in the outstanding office action.

The rejection of claims 27-39 under 35 U.S.C. § 101 for lacking utility is respectfully traversed in view of applicants' cancellation of claims 27-39 hereinabove.

The rejection of claims 27-39 under 35 U.S.C. § 112, first paragraph, for failing to teach how to use the claimed invention is respectfully traversed in view of applicants' cancellation of claims 27-39 hereinabove.

The rejection of claims 27-39 under 35 U.S.C. § 112, second paragraph, for indefiniteness is respectfully traversed in view of applicants' cancellation of claims 27-39 hereinabove.

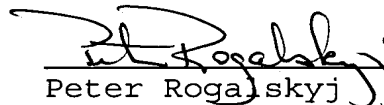
The rejection of claims 1 and 27-39 under the judicially created doctrine of obviousness-type double patenting over claims 1-44 of U.S. Patent No. 5,997,915 to Bailey et al. is respectfully traversed. Claims 27-39 have been canceled hereinabove. As to claim 1, applicants' have filed herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321. Accordingly, applicants submit that the rejection of claim 1 under the judicially created doctrine of obviousness-type double patenting should be withdrawn.

Kindly note that, with the above-mentioned Terminal Disclaimer, applicants have enclosed a check for \$55.00 for the fee specified in 37 C.F.R. §§ 1.321 and 1.20(d). In the event that any additional fee is necessary in connection with the filing of the Terminal Disclaimer, the Commissioner is hereby authorized to charge Deposit Account No. 50-0772 for any such fee. A duplicate copy of this paper is enclosed.


In view of the foregoing, it is submitted that this case is in condition for allowance, and such allowance is earnestly solicited. Should any issues remain which can usefully be discussed by telephone, the Examiner is invited to contact applicants' undersigned attorney at the number provided.

Respectfully submitted,

Dated: November 3, 2000

  
Peter Rogalskyj  
Registration No. 38,601

Braman & Rogalskyj, LLP  
P.O. Box 352  
Canandaigua, New York 14424-0352  
Telephone: (716) 393-3004  
Facsimile: (716) 393-3001

Certificate of Mailing - 37 CFR 1.8 (a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date below.	
11-3-00 Date	 Peter Rogalskyj

B